

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 1:03-CR-0172**
:
v. : **(Judge Conner)**
:
DONALD ROEBUCK :

ORDER

AND NOW, this 17th day of July, 2006, upon consideration of the order of the Court of Appeals for the Third Circuit (Doc. 76), remanding this case for the court “to determine whether [defendant’s] October 10, 2005 letter and October 21, 2005 notice of appeal are the functional equivalent of a notice of appeal and a motion for an extension of time,” see FED. R. APP. P. 4(b)(4) (“Upon a finding of excusable neglect or good cause, the district court may . . . extend the time to file a notice of appeal . . .”), and upon further consideration of defendant’s October 10, 2005 letter (Doc. 70), averring that his attorney did not file a notice of appeal as requested and seeking information for the purpose of effecting a *pro se* appeal, and it appearing that defendant filed a notice of appeal (Doc. 71) within the thirty-day extension period, see United States v. Richmond, 120 F.3d 434, 436 (3d Cir. 1997) (“We have held that district courts retain the authority to grant the appealing party a Rule 4(b) extension . . . so long as the appealing party filed the notice of appeal within the 30-day extension period.”), and the court finding that there is good cause for an extension, see FED. R. APP. P. 4(b)(4), it is hereby ORDERED that:

1. Defendant's October 10, 2005 letter (Doc. 70) is CONSTRUED as a motion for an extension of time to file an appeal and is GRANTED as so construed. See FED. R. APP. P. 4(b)(4).
2. The Clerk of Court is directed to send a copy of this order to the Court of Appeals for the Third Circuit.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge